

AMENDED IN ASSEMBLY APRIL 11, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1976

Introduced by Assembly Member Logue
(Principal coauthor: Assembly Member Pan)
(Coauthors: Assembly Members Bill Berryhill and Jeffries)

February 23, 2012

An act to add Section 712 to the Business and Professions Code, and to add Section 131136 to the Health and Safety Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1976, as amended, Logue. Professions and vocations: licensure and certification requirements: military experience.

Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law requires the rules and regulations of these healing arts boards to provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of the particular profession or vocation regulated by the board. Under existing law, specified other healing arts professions are licensed or certified and regulated by the State Department of Public Health. In some instances, a board with the Department of Consumer Affairs or the State Department of Public Health approves schools offering educational course credit for meeting licensing or certification qualifications and requirements.

This bill would require a healing arts board within the Department of Consumer Affairs and the State Department of Public Health, upon the presentation of evidence by an applicant for licensure or certification, to, *except as specified*, accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate. If a board or the State Department of Public Health accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than July 1, 2014, ~~require a board or the State Department of Public Health to accredit or otherwise approve only those schools that seeking accreditation or approval to~~ have procedures in place to accept an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification. *The bill would require each board and the State Department of Public Health to determine whether it is necessary to adopt regulations to implement these provisions and if so, would require those regulations to be adopted not later than January 1, 2014. If a board or the State Department of Public Health determines that such regulations are not necessary, the bill would require a report with an explanation regarding that determination to be submitted to the Governor and the Legislature not later than January 1, 2014.* The bill would require the Director of Consumer Affairs and the State Department of Public Health, by January 1, 2016, to submit to the Governor and the Legislature a written report on the progress of the boards and the department in complying with these provisions.

~~Existing law, the Administrative Procedure Act, sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act may not be superseded or modified by any subsequent legislation except to the extent that the legislation does so expressly.~~

~~This bill would require each healing arts board within the Department of Consumer Affairs and the State Department of Public Health to adopt emergency regulations pursuant to specified procedures to carry out these provisions.~~

Under existing law, the Department of Veterans Affairs has specified powers and duties relating to various programs serving veterans.

With respect to complying with the bill's requirements *and obtaining specified funds to support compliance with these provisions*, this bill would require the Department of Veterans Affairs to provide technical

assistance to the healing arts boards within the Department of Consumer Affairs, the Director of Consumer Affairs, and the State Department of Public Health.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Veterans Health Care Workforce Act of 2012.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) Lack of health care providers continues to be a significant
6 barrier to access to health care services in medically underserved
7 urban and rural areas of California.

8 (2) Veterans of the United States Armed Forces and the
9 California National Guard gain invaluable education, training, and
10 practical experience through their military service.

11 (3) According to the federal Department of Defense, as of June
12 2011, one million veterans were unemployed nationally and the
13 jobless rate for post-9/11 veterans was 13.3 percent, with young
14 male veterans 18 to 24 years of age experiencing an unemployment
15 rate of 21.9 percent.

16 (4) According to the federal Department of Defense, during the
17 2011 federal fiscal year, 8,854 enlisted service members with
18 medical classifications separated from active duty.

19 (5) According to the federal Department of Defense, during the
20 2011 federal fiscal year, 16,777 service members who separated
21 from active duty listed California as their state of residence.

22 (6) It is critical, both to veterans seeking to transition to civilian
23 health care professions and to patients living in underserved urban
24 and rural areas of California, that the Legislature ensures that
25 veteran applicants to boards within the Department of Consumer
26 Affairs or the State Department of Public Health for licensure are
27 expedited through the qualifications and requirements process.

28 (b) It is the intent of the Legislature to ensure that boards within
29 the Department of Consumer Affairs ~~or~~ and the State Department
30 of Public Health and schools offering educational course credit
31 for meeting licensing qualifications and requirements fully and

1 expeditiously recognize and provide credit for an applicant's
2 military education, training, and practical experience.

3 SEC. 3. Section 712 is added to the Business and Professions
4 Code, to read:

5 712. (a) Notwithstanding any other provision of law, a board
6 described in this division shall, upon the presentation of satisfactory
7 evidence by an applicant for licensure, accept the education,
8 training, and practical experience completed by an applicant as a
9 member of the United States Armed Forces or Military Reserves
10 of the United States, the national guard of any state, the military
11 reserves of any state, or the naval militia of any state, toward the
12 qualifications and requirements to receive a license issued by that
13 board *unless the board determines that the education, training, or*
14 *practical experience is not substantially equivalent to the standards*
15 *of the board.*

16 (b) Not later than July 1, 2014, if a board described in this
17 division accredits or otherwise approves schools offering
18 educational course credit for meeting licensing qualifications and
19 requirements, the board shall ~~only accredit or otherwise approve~~
20 *require* those schools ~~that seeking accreditation or approval to~~
21 have procedures in place to fully accept an applicant's military
22 education, training, and practical experience toward the completion
23 of an educational program that would qualify a person to apply
24 for licensure.

25 (c) (1) Each board described in this division shall *determine*
26 *whether it is necessary to* adopt regulations to implement this
27 section. ~~The adoption, amendment, repeal, or readoption of a~~
28 ~~regulation authorized by this section is deemed to address an~~
29 ~~emergency, for purposes of Sections 11346.1 and 11349.6 of the~~
30 ~~Government Code, and each board is hereby exempted for this~~
31 ~~purpose from the requirements of subdivision (b) of Section~~
32 ~~11346.1 of the Government Code.~~

33 (2) *If a board determines it is necessary to adopt regulations,*
34 *the board shall adopt those regulations not later than January 1,*
35 *2014.*

36 (3) *If a board determines it is not necessary to adopt regulations,*
37 *the board shall, not later than January 1, 2014, submit to the*
38 *Governor and the Legislature a written report explaining why such*
39 *regulations are not necessary. This paragraph shall become*
40 *inoperative on January 1, 2017.*

(d) With respect to complying with the requirements of this section *including the determination of substantial equivalency between the education, training, or practical experience of an applicant and the board's standards, and obtaining state, federal, or private funds to support compliance with this section*, the Department of Veterans Affairs shall provide technical assistance to the boards described in this division and to the director.

(e) (1) On or before January 1, 2016, the director shall submit to the Governor and the Legislature a written report on the progress of the boards described in this division toward compliance with this section.

(2) *This subdivision shall become inoperative on January 1, 2017.*

(f) A report to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

~~(g) This section shall become inoperative on January 1, 2017.~~

SEC. 4. Section 131136 is added to the Health and Safety Code, to read:

131136. (a) Notwithstanding any other provision of law, the department shall, upon the presentation of satisfactory evidence by an applicant for licensure or certification in one of the professions described in subdivision (b), accept the education, training, and practical experience completed by an applicant as a member of the United States Armed Forces or Military Reserves of the United States, the national guard of any state, the military reserves of any state, or the naval militia of any state, toward the qualifications and requirements to receive a license issued by the department *unless the department determines that the education, training, or practical experience is not substantially equivalent to the standards of the department.*

(b) The following professions are applicable to this section:

(1) Medical laboratory technician as described in Section 1260.3 of the Business and Professions Code.

(2) Clinical laboratory scientist as described in Section 1262 of the Business and Professions Code.

(3) Radiologic technologist as described in Chapter 6 (commencing with Section 114840) of Part 9 of Division 104.

(4) Nuclear medicine technologist as described in Chapter 4 (commencing with Section 107150) of Part 1 of Division 104.

1 (5) Certified nurse assistant as described in Article 9
2 (commencing with Section 1337) of Chapter 2 of Division 2.

3 (6) Certified home health aide as described in Section 1736.1.

4 (7) Certified hemodialysis technician as described in Article
5 3.5 (commencing with Section 1247) of Chapter 3 of Division 2
6 of the Business and Professions Code.

7 (8) Nursing home administrator as described in Chapter 2.35
8 (commencing with Section 1416) of Division 2.

9 (c) Not later than July 1, 2014, if the department accredits or
10 otherwise approves schools offering educational course credit for
11 meeting licensing and certification qualifications and requirements,
12 the department shall ~~only accredit or otherwise approve~~ *require*
13 those schools ~~that seeking accreditation or approval to~~ have
14 procedures in place to fully accept an applicant's military
15 education, training, and practical experience toward the completion
16 of an educational program that would qualify a person to apply
17 for licensure or certification.

18 (d) ~~With respect to complying with the requirements of this~~
19 ~~section, the~~ *(1) Not later than January 1, 2014, the department*
20 *shall determine whether it is necessary to adopt regulations to*
21 *implement this section. The adoption, amendment, repeal, or*
22 *readoption of a regulation authorized by this section is deemed to*
23 *address an emergency, for purposes of Sections 11346.1 and*
24 *11349.6 of the Government Code, and the department is hereby*
25 *exempted for this purpose from the requirements of subdivision*
26 *(b) of Section 11346.1 of the Government Code.*

27 *(2) If the department determines it is necessary to adopt*
28 *regulations, the department shall adopt those regulations not later*
29 *than January 1, 2014.*

30 *(3) If the department determines it is not necessary to adopt*
31 *regulations, the department shall, not later than January 1, 2014,*
32 *submit to the Governor and the Legislature a written report*
33 *explaining why such regulations are not necessary. This paragraph*
34 *shall become inoperative on January 1, 2017.*

35 (e) With respect to complying with the requirements of this
36 section *including the determination of substantial equivalency*
37 *between the education, training, or practical experience of an*
38 *applicant and the department's standards, and obtaining state,*
39 *federal, or private funds to support compliance with this section,*

1 the Department of Veterans Affairs shall provide technical
2 assistance to the department and to the State Public Health Officer.

3 (f) (1) On or before January 1, 2016, the department shall
4 submit to the Governor and the Legislature a written report on the
5 department's progress toward compliance with this section.

6 (2) *This subdivision shall become inoperative on January 1,*
7 *2017.*

8 (g) A report to the Legislature pursuant to this section shall be
9 submitted in compliance with Section 9795 of the Government
10 Code.

11 ~~(h) This section shall become inoperative on January 1, 2017.~~